



State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

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November 13, 1992

CERTIFIED RETURN RECEIPT
P 074 978 858

Mr. Harold Marston
Jay Pagano Estate
P.O. Box 136
Wellington, Utah 84501

Dear Mr. Marston:

Re: Reclamation of Mine Site, Updated Agreement Concerning Non-Compliance, Pagano Clay Project, M/015/026, Emery County, Utah

On November 10, 1992, you met with Division staff members, Tony Gallegos, Holland Shepherd, and Wayne Hedberg, concerning the resolution of the September 11, 1992, Notice of Non-compliance associated with your clay operation. As a result of the negotiations which transpired during that meeting, the following agreement/understanding was established:

1. Immediate reclamation of the entire site. You agreed to mulch, fertilize and reseed the mine site disturbances. Areas which have not been ripped or loosened will be scarified to provide a favorable rooting medium for plants. The reclamation is to take place within the next two weeks. You agreed to notify the Division when a date is established for the final reclamation to begin.
2. The Division agreed to amend our previous seed mix recommendation. A revised seed mix recommendation is attached.
3. The Division agreed to follow-up with the Utah Division of Water Rights, regarding the remediation/reclamation action(s) that your contractor will be conducting on the impacted areas associated with the Price River. The remediation actions must meet the basic reclamation requirements/standards of the Utah Mined Land Reclamation Act. Supplemental reclamation measures will be required if the proposed remediation fails to satisfy the Act.

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4. The Division agreed that once initial reclamation of the site has been completed, the remaining surety should only reflect the cost of reseeding, in the event the initial seeding effort fails (eg., the cost of the seed mix, drill seeder application and mobilization). This will substantially reduce the required surety (please see attached surety estimate).

5. The area of disturbance will remain at the 17 acres estimated by the Division. The revised surety amount is based on this acreage.

6. The road leading down to the Price River will be reclaimed to avoid erosion and sediment loading. Other roads accessing the site will remain. The land owner will retain the responsibility for long-term maintenance of these roads insuring a stable non-erosive condition. The roads will be reduced to a more appropriate size for occasional use. The main haul road is currently @ 60 feet in width; this will be reduced to 33 ft. across the state property and should be reduced to a similar width (or less) on the private ground.

This reclamation should be completed prior to December 18, 1992, which is the deadline established in our October 22, 1992 letter. Acceptable surety and a reclamation contract will also need to be received by the Division within this timeframe.

Please contact me, or Wayne Hedberg of my staff, immediately if you dispute any of the items discussed above, so that we might resolve any discrepancies regarding the agreements made at the November 10th meeting. Thank you for your continued diligence in resolving this compliance problem.

Sincerely,



Lowell Braxton
Associate Director, Mining

jb

Attachments

cc: Gary Bagley, State Lands
Mark Page, Div. of Water Rights, Price
Tom Mitchell, AAG
Minerals Staff

M015026.non

November 11, 1992
Division of Oil, Gas and Mining

Seed Recommendation
for
Pagano Clay Project
M/015/026

Mine Area

Grasses

<u>Common Name</u>	<u>Scientific Name</u>	<u>lbs/Acre</u>
Indian ricegrass	Oryzopsis hymenoides	2
Bluebunch wheatgrass	Agropyron spicatum	2
Western wheatgrass	Agropyron smithii	2

Forbs

Melilotus officinalis	Yellow Sweetclover	1
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Trees and Shrubs

Fourwing saltbush	Atriplex canescens	2
Shadscale	Atriplex confertifolia	2

Total lbs/acre = 11

Seed Application

The above seeding rate has been developed for application by drill seeding. If broadcasting is to be used, the rate should be increased by 35%.

RECLAMATION ESTIMATE FOR THE PAGANO CLAY PROJECT

M/015/062

Prepared by
Utah State Division fo Oil, Gas and Mining
November 11, 1992

Total Acreage Disturbed = 17

Description	Unit	Acres	\$/Unit	Cost(\$)
Revegetation Costs				
seed mix	acre	17	55	935
tractor, drill seeder, operator	acre	17	120	2,040
mobilization	sum	**	**	250
SUBTOTAL				3,225
+10% CONTINGENCY				323
SUBTOTAL				3,548
ESCALATION (1.27% FOR 3 YRS)				137
TOTAL (1996 Dollars)				3,680
Rounded Total				\$3,700
Average cost per acre				\$218